



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

October 16, 1947

Hon. L. A. Woods
State Superintendent of Public Instruction
Department of Education
Austin, Texas

Opinion No. V-407

Re: Authority of State
Board of Education
to award textbook
contracts to a pub-
lisher who proposes
to supply one text-
book bound in two
volumes.

Dear Sir:

We refer to your letter of recent date where-
in you request an opinion of this office relative to the
authority of the State Board of Education in awarding
textbook contracts and wherein you submit the following
specific questions:

"(1) If a publisher's bid proposed to
sell a basal book for use in the elementary
grades bound in two volumes, rather than
one, would the bid, if otherwise in conform-
ity to the statute, be invalid or illegal
because the proposal was to furnish a book
bound in two volumes?

"(2) If a publisher's bid proposed to
sell a book to be included on the multiple
list for use in the high schools, the book
to be bound in two volumes rather than one,
if the bid otherwise complied with the law,
would it be invalid or illegal because of
the proposal to furnish a book bound in two
volumes?

"(3) Does the statute prohibit the
State Board of Education's awarding a con-
tract on a bid where the publisher proposes
to supply one book bound in two volumes,
rather than in one volume?"

The primary question involved concerns the authority, if any, of the State Board of Education, acting under the provisions of Article 2675b-5(e), and Articles 2842 to 2876j, V.C.S., to enter a contract for a textbook which is comprised of more than one volume.

Under Article 2843, as amended by S.B. 215, Acts of the 50th Leg., R.S., 1947, the Board of Education is authorized to select and adopt a uniform system of basal textbooks to be used in the elementary public free schools of Texas covering the certain subjects listed therein. Said Board is further authorized by said statute and Article 2844a, V.C.S., to adopt a multiple list of basal textbooks covering certain designated subjects to be used in the public free high schools of this State. Article 2844 authorizes the Board to adopt supplementary readers and other supplementary books for the first seven grades and provides, also, that no supplementary books as distinguished from basal textbooks shall be purchased and used to the exclusion of the basal books prescribed under Article 2843.

The Legislature has not defined the word "Textbook" as used in Articles 2842 to 2876j, inclusive. We believe, therefore, it is intended that "textbook" should be construed in the sense it is ordinarily used. A. G. Opinion No. 0-2400.

Webster's New International Dictionary, Second Edition, unabridged, defines "textbook" as follows:

"Originally, a book on which a teacher lectures or comments; hence any manual of instruction; a book containing a presentation of the principles of a subject intended to be studied by the pupil and used as a basis of instruction by the teacher."

True, this definition seems to limit the word "textbook" as being one book, a single volume; but in the larger and ordinary sense, we believe that a "textbook" on a particular subject designed to be studied and used as a basis of instruction means the book, or books, or the organic literary work prepared and submitted on the subject it proposes to cover, be it bound in one or more volumes. Conversely, a textbook bound in a single volume may contain several books; towit, the Bible. "Textbook" in this larger sense and in the sense ordinarily used refers not merely to a specific object called a

book which can be held in one's hand, but means an assembly or concourse of ideas on the subject expressed in words, the subject matter of which may be embodied in one or more volumes.

Article 2848 provides that the Board of Education shall adopt those textbooks, basal and supplementary, which, in the opinion of the Board, "are most acceptable for use in the schools--quality, mechanical construction, paper, print, price, authorship, literary merit and other relative matters being given such weight in making its decision as the Board may deem advisable" and "no textbook shall be adopted until it has been read carefully and examined by at least a majority of the Board." By virtue of this statute, the Board could properly consider the practical problems of distribution arising from its adoption of a textbook which comprises more than one bound volume. Furthermore, there is nothing in this statute nor in any other brought to our attention which would prohibit the Board from adopting and entering a contract for a textbook on an authorized subject merely because it is offered or bound in more than one volume.

Accordingly, our answers to the above submitted questions should be, and are, in the negative.

SUMMARY

The Board of Education, acting under and in accordance with the provisions of Article 2675b-5 (e), and Articles 2842 to 2876j, inclusive, V.C.S., has discretionary authority to adopt textbooks, basal and supplementary, on authorized subjects which comprise more than one bound volume.

Very truly yours

APPROVED:

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